

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:16-cr-0022-WTL-MJD
)	
MICHAEL JAMES WALDO,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 14, and 25, 2019, the Court held hearings on the Petition for Warrant or Summons for Offender Under Supervision filed on April 15, 2019 and supplemental petitions filed on May 17, and June 7, 2019. Defendant Waldo appeared in person with his appointed counsel Dominic Martin. The government appeared by Abhishek Kambli and Kyle Sawa, Assistant United States Attorneys. U. S. Parole and Probation appeared by Officer Troy Adamson.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Waldo of his rights and provided him with a copy of the petition. Defendant Waldo orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Waldo admitted violation number 4. [Docket No. 23.] Government moved to dismiss violation numbers 1, 2, and 3 and the same was granted.
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 4 **“The defendant shall not commit another federal, state or local crime.”**

On June 3, 2019, Mr. Waldo was arrested by the Indianapolis Metropolitan Police Department (IMPD) for Resisting Law Enforcement, a felony, (using a vehicle to commit the offense); Resisting Law Enforcement/Knowingly or Intentionally Fleeing from Law Enforcement, a misdemeanor; and Reckless Driving at Unreasonable High or Low Speed so to Endanger Safety, a misdemeanor. The offender is charged in Marion County cause 49G09-1906-F6-021851. According to the probable cause affidavit, Mr. Waldo was pulled over by the IMPD for minor traffic violations. The officer ran the offender's name and found he had an active federal violation warrant. Mr. Waldo fled the scene upon learning of this information. The officer pursued Mr. Waldo who was traveling at high rates of speed, disobeying traffic signals, and entering oncoming traffic to pass vehicles. He continued to flee and eventually approached a steep hill where his vehicle went airborne. Upon landing, the car crashed into a curb and became inoperable. The offender continued to flee on foot, and after a brief foot pursuit was taken into custody.

4. The parties stipulated that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 4 to 10 months’ imprisonment.

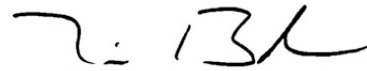
5. The parties jointly recommended a sentence of ten (10) months with no supervised release to follow. Defendant requested placement at FCD Milan and mental health treatment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that

his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of ten (10) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FCI Milan and mental health treatment.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 07/01/2019

A handwritten signature in black ink, appearing to read 'T. Baker', is written above a horizontal line.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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